HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil Transfer Application no. 25 of 2004

Smt. Sukhbiri W/o Sri Neki Ram,
R/o village Lisharh, P.S. Phugana, Tehsil Budhana,
District Muzaffarnagar. – Applicant.

Vs

1. Smt. Dhanpati Devi, through the owner
   Mr. Rameshwar Prasad, Vehicle n0. UPS no. 1131,
   R/o Kotdwar, P.S. Kotdwar, Pauri Garhwal,
2. New India Insurance Company Ltd. Kotdwar,
   Garhwal, Distt. Pauri Garhwal,
3. Gopal Dutt, Driver Bus no. UMS 8763,
   Through Jawan General Store,
4. Mahesh Chandra, Owner Bus no. 8763,
   R/o Jawan General Store,
   Koshi R0ad, Ramnagar, Distt. Nainital,
5. New India Insurance Company Ltd,
   Ramnagar, District Nainital. –Respondents.

Sri Sharad Sharma, learned counsel for the applicant,
Sri Tanvir A. Khan, learned counsel for the Insurance Company/respondent no 2 & 5.

Hon'ble M.M. Ghildiyal. J.

Heard Sri Sharad Sharma, learned counsel for the applicant and Sri Tanvir A. Khan, learned counsel for Insurance Company/respondent nos. 2 & 5.

Notices were issued to the respondent nos. 1,3 & 4. None is present on their behalf.

This transfer application under Section 24 of the Code of Civil Procedure has been moved by the applicant/claimant, a widow aged about 67 years, with the prayer to transfer the Motor Accident Claim Petition no. 155 of 1991 Smt. Sukhbiri vs. Dhanpti Devi and four others pending before Motor Accident Claims Tribunal, Chamoli (Gopeshwar), District Chamoli to any other convenient court having jurisdiction at Haridwar or Roorkee.

It was contended that there occurred collision between two buses in the year 1993 at police outpost Peepalkoti, *Chamoli,* which resulted in the death of the son of the

applicant/claimant. The claimant filed a claim petition for compensation before Motor Accident Claims Trubunal, Chamoli. The claimant is resident of Muzaffarnagar which falls in the State of U.P., the owner of the bus, in which the son of the applicant/claimant was unfortunately traveling on the fateful day, is the resident of Kotdwar district Pauri Garhwal (Uttaranchal), the Insurance Company which insure the bus at the time of accident also belongs to Kotdwar, the owner of the other bus, alleged to have evolved in the accident, resides at Ramnagar district Nainital in the State of Uttaranchal and his bus was insured by the Insurance Company situated at Ramnagar, District Nainital at the time of accident.

The prayer is innocuous.

Since, it will be convenient for all the contesting parties to do 'Pairvi' of the case at Haridwar and further considering this fact that the claimant is a widow aged about 67 years, she will have to face difficulty to a great deal in doing 'Pairvi' at Gopeshwar, Chamoli from Muzaffarnagar, it is in the interest of justice if the claim petition no 155/91 be transferred from Motor Accident Claims Tribunal Chamoli to Motor Accident Claims Tribunal Haridwar.

Accordingly, the application is allowed. The Motor Accident Claim Petition no. 155 of 1991 Smt. Sukhbiri vs. Dhanpati Devi and four others, pending before Motor Accident Claims Tribunal, Chamoli (Gopeshwar) is hereby transferred to the Motor Accident Claims Tribunal, Haridwar for hearing and disposal in accordance with law.

(M.M. Ghildiyal, J.)

June 18, 2005
NCM: